IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6092 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT CO.OPERATIVE OIL-SEEDSGROWERS' FEDERATION LTD.

Versus

AGRI.PRODUCE MARKET COMMITTEE

Appearance:

MR MANOJ N POPAT for Petitioner

MR KG VAKHARIA for Respondent No. 1

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 03/03/2000

ORAL JUDGEMENT

Learned advocate Mr. M.N.Popat is appearing for the petitioner. Learned Sr. Advocate Mr. Vakharia is appearing for the respondent Market Committee.

In the present petition, in para 27(A), the petitioner has prayed for a writ of mandamus or any other appropriate writ, order or direction permanently restraining the respondent Committee and all other Committees who are similarly situated with that of the respondent from levying market fees or cess from the petitioners on the transactions of pooling and from

taking any action in pursuance of the said provisions.

This petition was admitted by this Court by issuing rule on 17th October,1988.

Today, when the matter was taken up for final hearing, Mr. Vakharia, the learned Sr. Advocate appearing for the respondent Committee has made a statement before this Court that the group of petitions involving identical questions being Special Civil Application Nos. 6353/88, 63659/88, 6360/88, 6364/88 and 6365/88 has been decided by this court (Coram:J.M.Panchal,J.) on 11th February, 2000 and all the said petitions have been dismissed and the rule have been discharged in the said group of petitions.

In the aforesaid group of petitions also, levy and collection of fees by the Committee was under challenge. Said question was examined by this Court and this Court and considering section 28 of the Act and after examination of the said question, it was held by this Court in the said group of petitions that the petitioners therein are not entitled to the reliefs claimed in those petitions. Said petitions were, therefore, dismissed by this Court. Since this petition raises identical questions which have been examined by this Court in the group of aforesaid petitions, this petition is also required to be dismissed. This petition is, therefore, dismissed. Rule is discharged. There shall be no order as to costs.

3.3.2000. (H.K.Rathod,J.)

Vyas